

Donald E.J. Kilmer, Jr. (SBN: 179986)
E-Mail: Don@DKLawOffice.com
Jason A. Davis (SBN: 224250)
E-Mail: Jason@CalGunLawyers.com
1645 Willow Street, Suite 150
San Jose, California 95125-5120
Voice: (408) 264-8489
Fax: (408) 264-8487

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK AARON HAYNIE, BRENDAN
JOHN RICHARDS, THE CALGUNS
FOUNDATION, INC., and THE
SECOND AMENDMENT
FOUNDATION, INC.,
Plaintiffs,

vs.

KAMALA HARRIS, Attorney General
of California (in her official capacity)
and CALIFORNIA DEPARTMENT
OF JUSTICE, CITY OF ROHNERT
PARK, OFFICER DEAN BECKER
(RP134), and DOES 1 TO 20,
Defendants.

BRENDAN JOHN RICHARDS, THE
CALGUNS FOUNDATION, INC.,
and THE SECOND AMENDMENT
FOUNDATION, INC.,
Plaintiffs,

vs.

KAMALA HARRIS, Attorney General
of California (in her official capacity)
and CALIFORNIA DEPARTMENT
OF JUSTICE, SONOMA COUNTY
SHERIFFS' OFFICE, SHERIFFS'
DEPUTY GREG MYERS (SD1023)
and DOES 1 TO 20,
Defendants.

Case Nos.: 3:10-CV-01255 SI
3:11-CV-02493 SI
(Consolidated Cases)

**STIPULATION and JOINT
ADMINISTRATIVE MOTION
Re: Related Case**

**ND CA Rule 7-11
ND CA Rule 3-12(b)**

Case No.: 3:11-CV-05580 SI
(Related Case)

**STIPULATION and JOINT
ADMINISTRATIVE MOTION
Re: Related Case**

**ND CA Rule 7-11
ND CA Rule 3-12(b)**

1 MAX JOSEPH PLOG-HOROWITZ,
 2 THE CALGUNS FOUNDATION,
 3 INC., and THE SECOND
 4 AMENDMENT FOUNDATION, INC.,
 Plaintiffs,

5 vs.

6 KAMALA HARRIS, Attorney General
 7 of California, CALIFORNIA
 8 DEPARTMENT OF JUSTICE,
 9 COTATI POLICE DEPARTMENT,
 10 CITY OF COTATI, ANDREW
 11 LYSSAND (CO0339) and DOES 1 TO
 20,
 Defendants.

Case No.: 3:12-CV-0452 LB
 (Proposed Related Case)

**STIPULATION and JOINT
 ADMINISTRATIVE MOTION
 Re: Related Case**

**ND CA Rule 7-11
 ND CA Rule 3-12(b)**

12 IT IS HEREBY STIPULATED¹ by and between the parties hereto through
 13 their respective attorneys of record that a subsequent case is and ought to be
 14 related to this action.

15 The subsequent case is *Plog-Horowitz, et al., v. Harris, et al.*, Case No.: CV-12-
 16 0452 LB. The case was filed on January 27, 2012. A true and correct copy of the
 17 Complaint without exhibits is attached. A Notice of Related Case was also filed in
 18 the subsequent case.

19 The case sought to be related sets forth similar issues of law and fact that are
 20 plead in the consolidated Second Amended Complaint in Case Nos.: 3:10-CV-01255
 21 SI (*Haynie v. Harris*) and 3:11-CV-02493 SI (*Richards v. Harris I*), and in the initial
 22 Complaint filed in Case No.: 3:11-CV-05580 SI (*Richards v. Harris II*). The only
 23 substantial differences between the cases would be the addition of Defendants:
 24 CITY OF COTATI, COTATI POLICE DEPARTMENT and ANDREW LYSSAND
 25

26 ¹ *Haynie v. Harris*, Case No.: 3:10-CV-01255 SI was ordered consolidated with
 27 *Richards v. Harris*, Case No.: 3:11-CV-02493 SI, in an ordered filed on October 22,
 28 2011. (See Documents # 42 and #15 respectively. The second *Richards v. Harris*,
 Case No.: 3:11-CV-05580 was ordered to be related with the first two cases in an
 order filed on December 21, 2011. (See documents #47 and # 20 respectively.)

(CO0339). The law firm currently representing the Rohnert Park Defendants in *Richards I*, (Robert Henkels of Geary, Shea, O'Donnell, Grattan & Mitchell, P.C.) has already accept service of the complaint in *Plog-Horowitz, et al., v. Harris, et al.*

The Defendants, by and through undersigned counsel stipulate that the cases are related pursuant to Local Rule 3-12.

The Plaintiffs, by and through undersigned counsel stipulate that the cases are related pursuant to Local Rule 3-12.

SO STIPULATED.

Date: February 29, 2012

Date: February 29, 2012

/s/
 Ross Moody,
 Counsel for Defendants
 Harris & California Dept. of Justice

/s/
 Donald Kilmer
 Counsel for Plaintiffs

Date: February 29, 2012

Date: February 29, 2012

/s/
 Robert W. Henkels
 Counsel for Defendants
 City of Rohnert Park & Becker

/s/
 Anne Keck
 Counsel for Defendants
 Sonoma County & Myer

**ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND
 LOCAL RULE VIII.B.**

I, Donald Kilmer, declare under penalty of perjury under the laws of California and the United States that I have in my possession e-mail correspondence from Ross Moody, Robert Henkels and Anne Keck that the content of this document is acceptable to all persons required to sign the document. I declare that this document was signed in San Jose, CA on February 29, 2012.

/s/
 Donald Kilmer
 Attorney for Plaintiffs

FINDINGS AND ORDER

Pursuant to the stipulation of the parties and a review of the Complaint in *Plog-Horowitz, et al., v. Harris, et al*, Case No.: CV-12-0452 LB., and the Complaints in the other related cases in this action, this Court finds that the matters are related under Local Rule 3-12.

The Clerk of the Court is directed to reassign *Plog-Horowitz, et al., v. Harris, et al*, Case No.: CV-12-0452 LB. to the same docket as *Haynie v. Harris*, Case No.: CV 10-1255 SI; *Richards v. Harris*, Case No.: CV-11-02493; and *Richards v. Harris*, Case No.: 3:11-CV-05580 SI. All deadlines in *Plog-Horowitz, et al., v. Harris, et al*, Case No.: CV-12-0452 LB are vacated and a Case Management Conference is to be combined with the currently scheduled Case Management Conference in this matter set for March 30, 2012 at 2:30 p.m. in Courtroom 10, 19th Floor, San Francisco.

Plaintiffs are directed to serve a copy of this Stipulation and Order on the remaining Defendants in *Plog-Horowitz, et al., v. Harris, et al*, Case No.: CV-12-0452 LB.

Date: 3/1/12



United States District Judge